

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1456

IN THE MATTER OF:

Application of THE GRAY)	
LINE, INC., for Approval)	Served September 15, 1975
of Supplement No. 1 to)	
WMATC Tariff No. 6)	Application No. 876

By Application No. 876, filed August 28, 1975, The Gray Line, Inc. (Gray Line) seeks approval of Supplement No. 1 to its current WMATC Tariff No. 6. Gray Line also filed a motion for waiver of the statutory filing notice provision of the Compact, Title II, Article XII, Section 5(e).

By Order No. 1332, served June 10, 1974, the Commission authorized Gray Line to file WMATC Tariff No. 6 setting forth fares applicable to special operations and charter operations. Supplement No. 1 to Gray Line's WMATC Tariff No. 6 would change certain fares for special operations. These changes are set forth in the following table.

<u>TOUR</u>	<u>WMATC TARIFF NO. 6</u>	<u>SUPPLEMENT NO. 1</u>
A		
adult	\$23.00	\$24.25
child	11.50	12.50

<u>TOUR</u>	<u>WMATC TARIFF NO. 6</u>	<u>SUPPLEMENT NO. 1</u>
A-1		
adult	-0-	\$27.00
child	-0-	14.75
C		
adult	10.00	11.25
child	5.00	5.75
D		
child	5.50	5.75
D-1		
adult	-0-	13.75
child	-0-	8.00

The proposed changes have been occasioned by either an increase in admission fees or expansion of the tour service previously offered by Gray Line. Mount Vernon increased the admission fee charged for children by \$0.25. This increase accounts for the total fare change with respect to the child fare for Tour D and a part of the change with respect to the child fare for Tour A. Gray Line has expanded Tours A and C to include a guided tour by the Landmark Shuttle Bus Tour Service in Arlington National Cemetery. This additional feature of these tours has resulted in a \$1.25 increase in the adult fare and a \$0.75 increase in the child fare. Tours A-1 and D-1 are new tours being provided by Gray Line. They are a combination of Tours A and D, respectively, with a boat tour from Mount Vernon to Washington. The fares for these new tours represent the increased fare charged for Tours A and D plus \$2.75 for the adult charge on the boat tour or \$2.25 for the child charge on the boat tour.

The Compact, Title II, Article XII, Section 5(e) states the following with respect to tariff changes:

Any carrier which desires to change any fare specified in a tariff filed by it under this section, or any regulation or practice specified in any such tariff affecting such a fare, shall file a tariff in compliance with this section, showing the change proposed to be made and shall give notice to the public of the proposed change by posting and filing such tariff in such manner as the Commission may by rule, regulation or order provide. Each tariff filed under this subsection shall state a date on which the new tariff shall take effect, and such date shall be at least thirty (30) days after the date on which the tariff is filed, unless the Commission by order authorizes its taking effect on an earlier date.

Gray Line's Supplement No. 1 to WMATC No. 6 bears an August 28, 1975 issued date and September 27, 1975 effective date. The motion by Gray Line for waiver of the statutory filing notice provision of Section 5(e), as set forth above, is a request that the Commission by order authorize the increase in fares to take effect on less than thirty days notice.

Gray Line requests waiver of the statutory filing notice provision because the fares set forth in Supplement No. 1 have been charged since January 4, 1975. The reason stated by Gray Line is apparently very simple. In December, 1974, the prior counsel to Gray Line submitted to the Commission a tariff supplement containing the fares set forth in Supplement No. 1, except that the prior supplement included a tour entitled "Alexandria, Va., Shopping Expedition". The Commission did not accept the prior supplement for filing because it failed to conform to the regulations. See Rule 8-02.

Apparently, Gray Line had not been advised that the prior supplement, as submitted, had not been accepted for filing and was not effective. Hence, Gray Line commenced charging passengers the fares set forth in Supplement No. 1 to WMATC Tariff No. 6.

The Commission believes that the increase in fares should be approved. The increases have been the result of charges by persons over whom this Commission has no jurisdiction but who provide part of the tour service offered by Gray Line. The increases do not include any return to Gray Line on the revenues received from persons paying the higher fares.

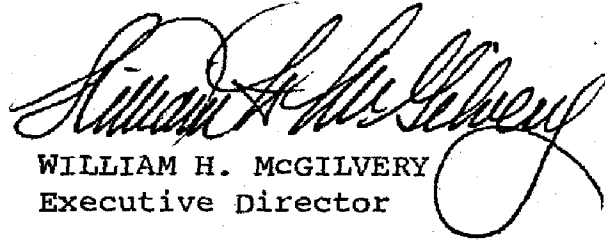
The Commission also believes that Supplement No. 1 should become effective in less than thirty days after the date on which it was filed. The charging of the higher fares by Gray Line between January 4, 1975 and the effective date of Supplement No. 1 has been clearly a violation of Title II, Article XII, Section 5(d) of the Compact. The Commission has available many sanctions which it could impose on Gray Line. However, Gray Line has not received any return on the increases in fares because they have been applied directly to incidental expenses. Accordingly, in this particular circumstance, the Commission will not impose any sanctions.

THEREFORE, IT IS ORDERED:

1. That Application No. 876 of The Gray Line, Inc., be, and it is hereby, granted.
2. That the motion for waiver of statutory filing notice filed by The Gray Line, Inc., be, and it is hereby, granted.
3. That Supplement No. 1 to WMATC No. 6 of The Gray Line, Inc., be, and it is hereby, approved effective September 15, 1975.

4. That The Gray Line, Inc., be, and it is hereby, required to file forthwith two copies of Supplement No. 1 to WMATC Tariff No. 6 to be effective September 15, 1975.

BY DIRECTION OF THE COMMISSION



WILLIAM H. MCGILVERY
Executive Director